

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AHMED JEBRIL,

Plaintiff,

Civil Action No.
08-CV-10159

vs.

HON. BERNARD A. FRIEDMAN

FEDERAL BUREAU OF PRISONS and
UNITED STATES OF AMERICA,

Defendants.

**ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
and GRANTING DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

This matter is presently before the court on defendants' motion to dismiss [docket entry 11]. Magistrate Judge Donald A. Scheer has submitted a report and recommendation in which he recommends that the motion be granted. Neither party has objected to the report and recommendation and the time for them to do so has expired.

Plaintiff, a federal prison inmate, has brought this action under the Federal Tort Claims Act ("FTCA") in an effort to recover the value of personal property he claims defendants lost while he was incarcerated at a federal prison in Milan, Michigan. As the magistrate judge correctly notes, defendants are immune from suit because the FTCA exempts from the statute's waiver of immunity "[a]ny claim arising in respect or . . . the detention of any goods, merchandise, or other property by any . . . law enforcement officer." 28 U.S.C. § 2680(c). The Supreme Court recently held that the term "any law enforcement officer" includes federal prison employees. *See Ali v. Fed. Bureau of Prisons*, 128 S. Ct. 831 (2008). That decision flatly held that "Section 2680(c) forecloses lawsuits against the United States for the unlawful detention of property by 'any,' not just

‘some,’ law enforcement officers.” *Id.* at 841. In light of the Supreme Court’s decision in *Ali*, defendants are immune and the complaint must be dismissed. Accordingly,

IT IS ORDERED that Magistrate Judge Scheer’s Report and Recommendation is accepted and adopted as the findings and conclusions of the court.

IT IS FURTHER ORDERED that defendants’ motion to dismiss is granted.

s/Bernard A. Friedman_____
BERNARD A. FRIEDMAN
CHIEF UNITED STATES DISTRICT JUDGE

Dated: July 16, 2008
Detroit, Michigan

I hereby certify that a copy of the foregoing document was served upon counsel of record by electronic and/or first-class mail.

s/Carol Mullins
Case Manager to Chief Judge Friedman